

CITY OF GAITHERSBURG  
MINUTES OF A CITY COUNCIL MEETING  
CITY HALL COUNCIL CHAMBERS  
**MONDAY, FEBRUARY 4, 2013**

**I. CALL TO ORDER**

**II. PLEDGE OF ALLEGIANCE**

The Pledge was led by Tim Ailsworth, Executive Director, Local Government Insurance Trust.

**III. INVOCATION**

In lieu of an invocation, Mayor Katz called for a moment of silence.

**IV. APPROVAL OF MINUTES**

**Regular Meeting Held January 22, 2013**

Motion was made by Cathy Drzyzgula, seconded by Michael Sesma, that regular meeting of the Mayor and City Council held January 22, 2013, be approved with amendments.

Vote: 4-0-1 (Abstained: Jud Ashman)

**V. CONSENT ITEMS**

**A. Resolution of the Mayor and City Council Amending the FY13 Adopted Fee Schedule for the City of Gaithersburg**

The Fee Schedule includes a disclaimer that the City reserves the right to review and recommend adjustments as predicated by economic conditions, maintaining the authority to add new charges where appropriate. The current Y 13 Adopted Fee Schedule requires clarification or correction and certain items were inadvertently omitted. This resolution proposed the following amendments:

- Eliminate the \$20 Late Fee on Pet Licenses
- Eliminate the \$50 per Machine Late Fee on Amusement Machine Licenses
- Eliminate the \$55 per unit Late Fee on Multi-Family Rental Housing
- Eliminate the \$35 Late Fee on Rooming House Licenses
- Eliminate the \$75 Late Fee on Single Family Rental Housing Licenses

Motion was made by Henry F. Marraffa, Jr., seconded by Ryan Spiegel, that a Resolution of the Mayor and City Council Amending the FY 13 Adopted Fee Schedule for the City of Gaithersburg (Resolution No. R-5-13), be approved.

Vote: 5-0

**B. Resolution of the Mayor and City Council Authorizing the City Manager to Enter into a Contract for the Teachers Way Extension, Site Improvements for Teachers Way and Gaithersburg Middle School**

This resolution authorized the City Manager to award a contract for the Teachers Way Extension, Site Improvements for Teachers Way and Gaithersburg Middle School retrofit to Concrete General, Inc., 8000 Beachcraft Avenue, Gaithersburg, Maryland 20879, in the estimated amount of Two Million One Hundred Ninety-Three Thousand Eight Hundred Forty Dollars (\$2,193,840), with a Three Hundred Twenty-Nine Thousand One Hundred Sixty Dollars (\$329,160) construction contingency, for a total amount of Two Million Five Hundred Twenty-Three Thousand Dollars (\$2,523,000); said funds to be expended from the Capital Improvements Budget.

Motion was made by Henry F. Marraffa, Jr., seconded by Ryan Spiegel, that Resolution of the Mayor and City Council Authorizing the City Manager to Enter into a Contract for the Teachers Way Extension, Site Improvements for Teachers Way and Gaithersburg Middle School (Resolution No. R-6-13), be approved.

Vote: 5-0

## **VI. PRESENTATIONS**

### **A. Presentation of Local Government Insurance Trust 25th Anniversary Award to the City of Gaithersburg**

Tim Ailsworth, Executive Director, Local Government Insurance Trust (LGIT), presented a 25th Anniversary Award to the Elected Officials of the City of Gaithersburg for its participation in LGIT for 25 years.

Since 1987, many local government entities in the State of Maryland have covered their primary and excess liability, auto, environmental, property, boiler and machinery through the LGIT. LGIT was founded by the Maryland Association of Counties (MACo) and the Maryland Municipal League in answer to difficulties town, cities, and counties faced at that time in securing affordable insurance.

### **B. An Update on the Status of the SIRE Meeting Management System Project**

In September 2011, the City released a Request for Proposal for software to provide the ability to manage and produce agendas and minutes for City meetings, and to provide indexes which can be used to provide direct access from City web pages to specific points in the meetings. In January 2012, the Sire system was selected and implementation began in May 2012. Staff is currently training and testing. Information Technology Director Cottrell provided a status update on various aspects of the product and project. Concern was expressed with accessing SIRE streaming and asked that live streaming be provided for other platforms and not just Windows and MAC. Time stamping of committee minutes was suggested for lengthy committee meetings. City Attorney Board added that she and Public Information Director Monaco plan to meet with committee staff liaisons in April to provide training for consistency and a standard look to all agendas and minutes.

## **VII. PUBLIC COMMENTS**

No speakers from the public.

## **VIII. FROM THE MAYOR AND CITY COUNCIL/ANNOUNCEMENTS**

### **Council Member Marraffa**

Announced the upcoming events and activities happening in the City of Gaithersburg during the month of February. For more information, visit the City's website. In addition, he mentioned the Denims and Diamonds Gala scheduled for April.

### **Council Member Spiegel**

1. Referred to his purple tie and saluted the Ravens on their Super Bowl Championship which is a great celebration for the region and state.
2. Attended the COG Climate, Energy & Environment Policy Committee meeting to discuss a policy being explored as a region to strengthen electric grids in the area and reduce problems. Provided an opportunity to talk to representatives from the electric industry about the infrastructure. In addition, spoke to PEPCO representative about communication. Reported that the City sent a letter to the Public Service Commission addressing the issue installation and prior notice to residents.
3. Attended a dinner in Annapolis and had an opportunity to meet with Senator Leventhal, the City's outside lobbyist about the City's priorities and funding for municipalities, state ethics law and other issues.

4. Attended the Washingtonian Woods Town meeting with representatives from the State to discuss the Corridor Cities Transitway and address the concerns of residents.
5. Announced the Quince Orchard Park Community meeting scheduled for Tuesday, February 12th at 7 p.m. Reported that the Mayor and City Council will be in attendance.

### **Council Member Ashman**

1. Announced that on Monday, February 11th, in lieu of a work session, the Mayor and City Council will host the annual budget public forum to provide an opportunity for public input for FY 14. In addition, staff will present the state of the City's finances, including the previous fiscal year, revenue, expenditure projections for FY'14, and potential implications of "fiscal cliff" negotiations on City finances.
2. Urged residents to subscribe to Alert Gaithersburg, an emergency notification system through email or mobile devices.
3. Testified before the Public Ethics Law Work Group, consisting of six (6) delegates and six (6) senators on Thursday, January 31st in Annapolis during the Maryland Public Ethics Laws Work Group in regards to the new legislation and disclosure law requirements.
4. Reported that he met the incoming manager of the newly built Gaithersburg Library which will open in the fall. The library is looking to partner with the City on community events, including the Gaithersburg Book Festival.
5. Announced that the recruitment period of authors for the upcoming Gaithersburg Book Festival is almost completed. More information on the May 18th event will be forthcoming.

### **Council Member Drzyzgula**

1. Announced the Community Development Block Grant (CDBG) public meetings scheduled for February 7th and 20th at 7 p.m. at the Activity Center at Bohrer Park and a separate meeting at City Hall on February 12th at 7 p.m. The purpose of the meetings is to solicit comments on the use of CDBG funding available to the City through the U.S. Department of Housing and Urban Development (HUD).
2. Attended the Washingtonian Woods Town meeting mentioned above in which residents from the Mission Hill community expressed concerns.
3. Attended a public safety forum in Germantown sponsored by the Action Committee for Transit to address pedestrian safety throughout the county. The City is looking to address pedestrian issues on Maryland Route 355. Residents expressed concern with a fatality that occurred in November on Muddy Branch Road.

### **Council Vice President Sesma**

1. Announced the vacancies on various City committees and boards. Urged citizens to volunteer and serve their community.
2. Congratulated the Baltimore Ravens fans!
3. Reported that the Maryland Transit Administration (MTA) announced that the toll road for the ICC (MD 200) will raise the speed limit from 55 to 60 mph. MTA cited engineering studies that the speed limit was established and set for the design of the highway.
4. Referred to the Singer Songwriter Concert Series at the Arts Barn and encouraged citizens to attend the upcoming master songwriter Mary Gauthier.

## **Mayor Katz**

1. Announced that the District 17 Delegation extended an invitation for interested constituents to join them for a "Legislative Evening in Annapolis" on Monday, February 18th from 6 to 8 p.m. The City is sponsoring bus transportation but seating is limited is reservation are required. Contact Monica Sanchez in the City Manager's Office at **301-258-6310** by February 11th.
2. Announced the next regular meeting will be held on Tuesday, February 19th.
3. Requested the following motion for a closed executive session:

Motion was made by Michael Sesma, seconded by, Ryan Spiegel, that Mayor and City Council conduct a closed executive session immediately following its scheduled regular meeting on Monday February 4, 2013, at City Hall. The meeting is proposed to be closed pursuant to the State Government Article of the Annotated Code of Maryland Section 10-508(a) (4) to consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State. The topic to be discussed is the expansion of a local business.

Vote: 5-0

## **IX. FROM THE CITY MANAGER**

1. Provided a follow-up to the presentation on large City events given on January 22nd. Staff proposed changes for the larger activities. Reported that staff has received stakeholder and community feedback and will come back at a future date. A survey was suggested.
2. Recognized Comptroller Tina Smith, who discovered discrepancies in the revenue received from a cell tower lease and audited the leases and identified a \$67,000 recovery and made arrangements for repayment.

## **X. ECONOMIC DEVELOPMENT UPDATE**

### **Economic Development Director Lonergan**

1. Attended the Tech Council of Maryland Leadership Dinner in Annapolis and received a keynote address by Governor O'Malley which focused on the proposed expanded tax credits in the State's budget for bio tech and cyber security industries. Many bio tech industry representatives were in attendance and the event provided a great networking opportunity.
2. Reported that Encon Group, an engineering, planning, and management group out of Kensington, Maryland, is in the process of relocating its offices to Gaithersburg and has leased over 11,000 ft. of space at 630 East Diamond Avenue.
3. Reported that Business Suites has leased over 17,000 ft. of space at 9711 at Washingtonian Blvd. The company has over 20 locations around the country, including six in Maryland. An option to apply for toolbox grants was offered.

Mayor Katz added that Congressman John Delaney has plans to open a Gaithersburg office in the City limits. Asked staff to announce the opening and provide an address.

## **XI. ORDINANCES, RESOLUTIONS, AND REGULATIONS**

### **A. Resolution of the Mayor and City Council Declaring the Property at 321 Firehouse Lane Surplus**

This resolution authorized the City Manager to immediately dispose of the property at 321 Firehouse Lane. The Kentlands Firehouse situated on 8,700 square feet of land located at 321 Firehouse Lane, is under consideration for designation as surplus. Pursuant to state law, the City conducted a surplus land hearing on January 22, 2013. The record closed on January 30, 2013, with one comment submitted.

Motion was made by Henry F. Marraffa, Jr., seconded by, Cathy Drzyzgula, that a Resolution of the Mayor and City Council Declaring the Property at 321 Firehouse Lane Surplus (Resolution No. R-7-13), be approved.

Vote: 5-0

**B. Resolution of Mayor and City Council Authorizing the City Manager to Negotiate and Execute Agreements Relating to the Redevelopment of the Kentlands Firehouse at 321 Firehouse Lane**

The City issued RFP No. 2013-002 for Adaptive Reuse or Redevelopment of the Kentlands Firehouse in August 2012. Three groups responded, all with proposals for adaptive reuse. Staff evaluated and scored the following proposals:

1. Conversion into a single family private residence with one, new two-car garage
2. Expansion and renovation to contain three residences plus the construction of one new carriage-house style residence (4 homes)
3. Conversion into an arts studio and social hall

Based upon the rankings, staff recommended that authorization be provided to negotiate with the submitters of the highest ranking proposal (#1 above), Alexander and Jacqueline Krakovsky.

It was noted that no development approvals are presumed or awarded via this Resolution. This resolution authorized the City Manager to negotiate and execute contracts, memorandums of understanding, or other related documents that are needed by the potential developer to commence the planning process and subsequently acquire the property. All opportunities for public review and comment that are required of other development projects will be provided in this case. It was further noted that the selection was a recommendation of the Committee.

Motion was made by Michael Sesma, seconded by, Ryan Spiegel, that Resolution of Mayor and City Council Authorizing the City Manager to Negotiate and Execute Agreements Relating to the Redevelopment of the Kentlands Firehouse at 321 Firehouse Lane (Resolution No. R-8-13), be approved.

Vote: 5-0

## **XII. PUBLIC HEARING**

**JOINT - The Applicant Requests Approval of the Schematic Development Plan, SDP-1641-2012, Per Annexation X-182 and Sketch Plan Z-315, Known as the Crown HOA Facility (Partial Parcel 833) in Gaithersburg, Maryland. The Plan Proposes a Community HOA Facility and Amenity Park With Associated Access Road**

Lead, Long Range Planner Robinson presented the background for the above proposed plan. The applicant VII Crown Farm Owner LLC, submitted Schematic Development Plan (SDP) application SDP-1641-2012. The plan is in accordance with the approved and amended X-182 annexation agreement and Sketch Plan Z-315, is known as the Crown Property HOA Facility. The plan proposes a 2.35± acres community HOA amenity serving the residential units of Neighborhoods 2 and 3 in the Crown development. The application also includes a request of a road code waiver for the one block extension of Crown Park Avenue, serving the HOA facility. The joint hearing was advertised in the *Gaithersburg Gazette* on January 16 and 23, 2013 and there are currently 30 exhibits in the record file.

*Bobby Zeiller, Executive Vice President, Sunbrook Partners, Matt Bell, EEK, Architect/ Land Use Planner, and Mark Morelock, VIKa, Engineer*, representing the applicant, presented the design vision for the proposed plan. The new facility which was said to be an iconic feature, will house a swimming pool and community programming. The development will represent Crown's active, healthy and sustainable lifestyle. The subject plan proposes a HOA building between 4,800 and 7,500 square feet (SF) with an allowable height of four (4) stories and sixty-five (65) feet, but envisioned that the building will not exceed two (2) stories. The proposed swimming pools will be between 6,000 and 8,500 SF. A multi-purpose court, tot-lot, passive green area, and paths included on the grounds as well as an on-site parking area.

City staff was thanked for their assistance through the process. The WSSC water main lines are still being addressed. The additional area around the HOA facility is limited due to WSSC setbacks. The LEED Certification was amended and a preliminary analysis was done for the LEED and sustainable features for the building. It was noted that the building will be designed to integrate with the surrounding architecture and accessible for all the residential sections of Crown. As part of the analysis, the applicant is proposing to shift the facility slightly south, below Crown Park Avenue to provide a more significant and prominent location. The design guidelines and location of the building were reviewed showing the pedestrian and bicycle movement, connectivity and its amenities. Further reviewed were the guidelines, footprint of the facility, interior and exterior spaces, and features and various elevations and views. Parking requirements were reviewed showing adequate parking around the site and identified on-street parking. In addition, the applicant is requesting a road code waiver to allow for already approved road sections within Crown Farm Neighborhood Two to extend into Neighborhood Three with minor modifications. The waiver would implement a layout and design that is consistent with the Annexation Agreement, as amended and other development approvals for the project.

Following several questions, it was noted that refinement and further development of design features, renderings, materials, and residential and visitor parking, and WSSC issues are still being worked on and addressed. It was further noted that when the school site is dedicated, it will be to the City, not Montgomery County Public Schools.

There were no speakers from the public.

Motion was made by Kaufman, seconded by Winborne, that the Planning Commission record on the above joint public hearing, the Applicant Requests Approval of the Schematic Development Plan, SDP-1641-2012, Per Annexation X-182 and Sketch Plan Z-315, Known as the Crown HOA Facility (Partial Parcel 833) in Gaithersburg, Maryland. The Plan Proposes a Community HOA Facility and Amenity Park With Associated Access Road, remain open until 5 p.m., Thursday, March 14, 2013 (38 days), with anticipated recommendation to the Mayor and City Council on March 20, 2013.

Vote: 4-0

Motion was made by Cathy Drzyzgula, seconded by Michael Sesma, that the record on the above joint public hearing, the Applicant Requests Approval of the Schematic Development Plan, SDP-1641-2012, Per Annexation X-182 and Sketch Plan Z-315, Known as the Crown HOA Facility (Partial Parcel 833) in Gaithersburg, Maryland. The Plan Proposes a Community HOA Facility and Amenity Park With Associated Access Road, remain open until 5 p.m., Thursday, March 21, 2013.

Vote: 5-0

### **XIII. FROM THE CITY ATTORNEY AND OTHER STAFF**

#### **City Attorney Board**

City Attorney Board referred to the recent adoption of the City's "Reporting of Improper or Illegal Acts" legislation, commonly known as a Whistleblowers Ordinance. Reported that the City has contracted with The Network, Inc., outside firm that will maintain the hotline and field reports. Staff will draft a press release and information notifying staff and the public as well as provide a link on the City's website. The hotline is bilingual and now open. Confidential reports can be made via a toll free hotline at **855-214-5993** or submitted online at <http://www.reportineweb.com/gaithersburgmd>. Reports can also be submitted in writing to: City Attorney's Office, Gaithersburg City Hall, 31 S. Summit Ave., Gaithersburg, Maryland 20877.

### **XIV. ADJOURNMENT**

There being no further business to come before this session of the City Council, the meeting was duly adjourned at 9 p.m.